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IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In Re the Application of: Karl W. Schakel
Serial Number: 10/612,321
Filed: July 1, 2003
Title: Health Enhancement Method
TC/A.U: 1651
Examiner: Deborah K. Ware
Attorney Docket: Schakel-NonProv
Customer No.: 33549

REQUEST FOR RECONSIDERATION,
WITH AMENDMENT, UNDER 37 C.F.R. § 1.116

I. INTRODUCTORY REMARKS

This request for reconsideration is in response to the Examiner's Final Office Action mailed November 2, 2006. In that office action, the Examiner expressed concern under 35 USC §103 as to claims 1-4, 6-12, 14-18, 20-26 and 28-30, as based on US Pat. No. 6,949,264 (hereinafter referred to as the *McGrew et al.* patent) in view of US Pat. No. 6,506,413 (hereinafter referred to as the *Ramackers* patent), US Pat. No. 5,536,523 (hereinafter referred to as the *Hurt* patent), and US Pat. No. 7,005,513 (hereinafter referred to as the *Yura et al.* patent). The Applicants believe all concerns are addressed herein and indicate that all claims remaining in the case are in condition for allowance. The Applicants requests that the Office amend the specification and claims as indicated below and reconsider the application at its earliest convenience.

The Applicant would also like to remind the examiner that permission for this "after final" reply was granted in a February 27, 2007 telephone interview with Examiners Ware and Naff. As a brief recap, in that interview, the Applicant's representative, Al Wiedmann Jr., explained that the McGrew patent, a reference on which the examiner was relying in the final office action for disclosure of certain Heritage Health Products Co. products that appear in the claims, does not in fact